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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,388	01/30/2002	Sture Sjöo	024445-020	5904

7590 11/19/2003
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EXAMINER

WALSH, BRIAN D

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,388

Applicant(s)

SJOO, STURE

Examiner

Brian D. Walsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-14 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 – 4 and 8 – 11 are rejected, as necessitated by amendment, under 35 U.S.C. 102(b) as being anticipated by Barnett (U.S. Pat. No. 5,167,473)

Regarding claim 1, Barnett discloses a cutting tool holder similar to the instant invention comprising a base body (12) on which is disposed an insert seat (top of shim 32, similar to the instant invention) and two side surfaces upstanding from the insert-support surface (24, 26). The base body includes a slot (not numbered, but clear in figures 1, 3A, 3B and 5) that forms an extension of the seat, the slot including a bottom surface (28) disposed at a lower elevation than the insert-support surface (top of shim 32, as in the instant invention).

Regarding claim 2, Barnett discloses a clamp (50) for pressing an insert (16) down toward the insert-support surface (top of shim 32).

Regarding claim 3, Barnett discloses the slot extends from the two side surfaces (clear in figures 3B and 5) and further including a shim (32) disposed on a bottom surface (28) of the base body and engaging both of the side surfaces (24, 26), the shim defining the insert-support surface (Col. 3, lines 63 – 66).

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Regarding claim 4, Barnett discloses the base body includes a “wing” (generally the area of the holder pointed to by reference numeral 50 in figure 3A, however, not the clamp itself). This portion of the holder is most easily viewed in figures 3B and 5 wherein it is clear that the “wing” forms one side of the slot and one of the side surfaces (24) of the insert seat.

Regarding claims 8 and 9, it is clear in figure 3B that the slot is approximately $\frac{1}{2}$ the width of the wing.

Regarding claim 10, Barnett discloses the sides surfaces (24, 26) diverge in a direction away from the slot.

Regarding claim 11, referring to figure 5, it is clear that the width of the slot is much smaller than a largest width of the seat, the largest width of the seat being a diagonal taken from the terminal end of the side walls (24, 26).

2. Claims 1, 4, 5 and 12 - 14 are rejected, as necessitated by amendment, under 35 U.S.C. 102(b) as being anticipated by Vana (U.S. Pat. No. 3,066,385).

For the rejection of claims 1, 4, 5 and 12 – 14, Vana should be viewed in a direction 90-degrees clockwise to that which is shown in figure 1. This orientation produces insert support surfaces and wing-like members similar to the instant invention.

Regarding claims 1, 12 and 14, Vana discloses a tool holder for a cutting insert for chip removing machining comprising, a base body (18) on which is disposed an insert seat (25) on shim (P) comprising an insert-support surface (24, 25) and two side surfaces (alternate sides of the slot (16)) upstanding from the insert support surface. The base body including a slot (16) forming an extension of the seat (extended in a direction to the right in figure 1) which, when

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viewed from a direction perpendicular to the distal end of the tool is at a lower elevation than the insert-support surface.

Regarding claim 4, Vana discloses the tool holder further comprises a wing (generally in the area of 35) forming one side of the slot (16) and one of the side surfaces of the insert seat.

Regarding claims 5 and 13, the tool holder includes a screw (30) passing through a hole (not numbered, but clear in figure 1) passing through the wing and extending transversely to a longitudinal direction of the slot. The screw (30) is threadedly received in a hole (32) formed in the other side (opposite the wing, see figure 3), wherein a tightening of the screw produces a deformation of the wing to displace one of the sides surfaces of the seat toward the other side surface of the seat (Col. 2, lines 59 – 62).

Allowable Subject Matter

3. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 6, the prior art discloses clamping arrangements and tool holders with wings and deflecting elements similar to the instant invention. However, the prior art did not disclose nor render obvious a threaded screw in a holder spanning a wing-like member and a slot to be tightened via an opposite side of the slot in order to produce a deflection of said wing wherein the screw is not perpendicular to the abutting surface.

Response to Arguments

5. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

The Examiner notes that, at a glance, relied upon reference Vana appears to be of a different orientation than that which is disclosed. However, Applicant has not made reference to a location of a cutting edge on the insert and in what manner in which the tool is to be used. Considering the claims in their broadest reasonable interpretation, Vana properly anticipates the claimed invention for the claims noted above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. McCreery et al., Zweekly and Robinson et al. and disclose tool holders similar to the instant invention.

Faxing of Responses to Office Actions (UPDATED)

7. In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to **ALL OFFICE ACTIONS** directly into the Group at **(703) 872-9306**. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the Examiner.

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8. PLEASE NOTE: the **fax number in the above paragraph has changed**. It is to be used for all responses, **including after-final communications**.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Walsh whose telephone number is (703) 605-0638. The examiner can normally be reached on Monday - Friday 7:30 A.M. to 4:00 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (703) 308-2159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



BDW

November 4, 2003



A. L. WELLINGTON
SUPERVISORY PATENT EXAMINER
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